

Order

Michigan Supreme Court
Lansing, Michigan

September 27, 2010

Marilyn Kelly,
Chief Justice

137412

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

FRANKLIN ALLEY and JANET ALLEY,
Plaintiffs-Appellees,

v

SC: 137412
COA: 283634
Gladwin CC: 07-003343-NH

FRANK SECK, D.O., and CEDAR AVENUE
FAMILY PRACTICE,
Defendants-Appellants.

By order of May 7, 2009, the application for leave to appeal the August 22, 2008 order of the Court of Appeals was held in abeyance pending the decision in *Holman v Rasak* (Docket No. 137993). On order of the Court, the case having been decided on July 13, 2010, 486 Mich 429 (2010), the application is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted in light of *Holman, supra*.

HATHAWAY, J., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 27, 2010

Corbin R. Davis

Clerk